

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, NORTHWEST ILLINOIS AREA
LOCAL 7140**

**Case 13-CA-204225
13-CA-205764
13-CA-211258
13-CA-211621
13-CA-211630
13-CA-213295**

DECISION AND ORDER

Statement of the Cases

On November 16, 2018, the United States Postal Service (the Respondent) and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals.¹ The Respondent waived all further and other proceedings before the Board to which it may be entitled under the National Labor Relations Act (the Act) and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.²

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.³

¹ Although the General Counsel provided the Charging Party an opportunity to enter into the settlement agreement or submit objections, the Charging Party did not respond.

² Chairman Ring is recused and took no part in the consideration of this case.

³ We note that the remedy to which the Respondent and the General Counsel have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its facility located in Elk Grove Village, Illinois, the only facility involved in this proceeding.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. § 101 et seq. (PRA).

2. The labor organizations involved

At all material times, the American Postal Workers Union, (APWU), AFL-CIO (hereinafter referred to as the National Union) and American Postal Workers Union, AFL-CIO., Northwest Illinois Area Local 7140 (the Charging Party) are labor organizations within the meaning of Section 2(5) of the Act.

3. The bargaining unit

The employees of the Respondent described in Article I, Unit Recognition, of the collective-bargaining agreement between the Respondent and the National Union, which is effective from May 21, 2015, through September 20, 2018, and continues day-to-day thereafter (the unit), constitute a unit appropriate for purposes of collective bargaining as defined in Section 9(b) of the Act.

Since about 1990, and at all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from May 21, 2015, through September 20, 2018, and continues day-to-day thereafter.

At all material times since 1990, based on Section 9(a) of the Act, the National Union has been the exclusive collective-bargaining representative of the unit.

United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Emanuel would not approve the parts of the Order that require the Respondent to take action with respect to "any other labor organization," because no violations against other unions are alleged as part of this case.

At all material times, the Charging Party has been the designated servicing representative of the National Union for employees in the unit employed by the Respondent at its facility located at 2591 Busse Road, Elk Grove Village, Illinois 60007.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, its officers, agents, successors, and assigns, shall at its Elk Grove Village, Illinois facility:

1. Cease and desist from:

(a) Failing or unreasonably delaying in furnishing the Charging Party with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Failing or unreasonably delaying in furnishing the Charging Party with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Party as the designated servicing representative of the exclusive collective-bargaining representative of the Union, or any other labor organization at Respondent's Elk Grove Village, Illinois facility.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region, post copies of the attached notice marked as "Appendix" at the Respondent's Elk Grove Village, Illinois facility. Copies of the notice, on forms provided by Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Within 14 days after service of this order by the Region, provide the Charging Party with the information it requested on November 9, 2017, to the extent that it has not done so; or if any responsive information no longer exists, promptly notify the Charging Party of such.

(c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., September 25, 2019.

Lauren McFerran, Member

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

American Postal Workers Union, AFL-CIO, Northwest Illinois Area Local 7140, is the employees' representative in dealing with us regarding wages, hours, and other working conditions of the employees in the following unit:

All employees in the maintenance craft and postal clerks craft employed by the United States Postal Service as defined in Section 1 of the parties' most recent collective-bargaining agreement.

WE WILL NOT fail, refuse or unreasonably delay in providing the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL provide, to the extent we have not already provided, the Union with the information it requested on November 9, 2017. If any responsive information no longer exists, we will promptly notify the Union of such.

WE HAVE provided the Union with the information it requested on July 14, 22, and 25, 2017; September 21 and November 2, 2017; and December 8 and 21, 2018.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/13-CA-204225 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

